

REGISTERING A FICTITIOUS NAME WITH THE SECRETARY OF STATE'S OFFICE

If you plan to use a fictitious name, please contact the Secretary of State's Office by calling **866-223-6535 or 573-751-3317**, or you can register the fictitious name online at **www.sos.mo.gov**. A fictitious name is any name other than an individual's or company's legal name. If operating as a corporation or LLC, the legal name is the name shown on the Certificate of Incorporation or Certificate of Organization, or if already licensed, the legal name is shown on your license. Any deviation from the legal name or use of a portion of the legal name is considered fictitious and must be filed with the Secretary of State's office. For instance, Robert Jones, individual broker, plans to operate as Robert Jones Real Estate. This is considered a fictitious name as he is adding verbiage behind his name. Another example, ABC Realty Inc. (legal name) is operating as ABC Realty. The fictitious name must be registered as only a portion of the legal name is being used.

After registering the fictitious name with the Missouri Secretary of State's office, you will receive a registered/filed copy from the Missouri Secretary of State's Office that includes a file number in the upper right hand corner. In accordance with 20 CSR 2250-4.030, a copy must then be submitted to the Missouri Real Estate Commission, PO Box 1339, Jefferson City, MO 65102 or via fax at (573) 751-2777.

As a licensed Missouri broker, you are required to ensure that all correspondence, signage, etc. only includes the use of the legal name or registered fictitious names.

In order to avoid your registration being rejected, please follow these instructions:

IF OPERATING AS AN INDIVIDUAL BROKER/SOLE PROPRIETORSHIP:

Indicate the fictitious name to be registered including the business address. In the ownership section, you must show that you alone are the owner. List **your legal name** as 100% owner. Do not include additional names as the registration will be rejected by the MREC as this would not be considered an individual/sole proprietorship.

IF OPERATING AS A CORPORATION/ASSOCIATION (LIMITED LIABILITY):

Indicate the fictitious name to be registered including the business address. In the ownership section, you must show the **FULL legal company name** as 100% owner. **Do not list an individual as the owner.** You must show that the company owns the name, not individuals, or the registration will be rejected by the MREC.

IF OPERATING AS A PARTNERSHIP:

Indicate the fictitious name to be registered including the business address. In the ownership section, list all partners of the partnership.

IF YOU HAVE REGISTERED A NAME THAT INCLUDES A FRANCHISE NAME:

When submitting to the MREC, you must attach a copy of the complete signed agreement from the Franchisor. If this does not accompany your fictitious name registration it will be rejected and returned for the agreement. If you are filing an additional fictitious name and you have already provided a copy of the franchise agreement, another copy is not required.

Fictitious Name Registration FAQ

What is a fictitious name and why do I have to register?

A fictitious name is a name under which any person or business shall do or transact any business in this state which is other than the true name of such person or business. A fictitious name is commonly referred to as a "DBA", an acronym for "doing business as." Filing a fictitious name registration does not afford or secure any exclusive rights to the name.

Section 417.200 of the Revised Statutes of Missouri requires anyone doing business under a name other than their true name to file a fictitious name registration with the Secretary of State's office.

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When I register a fictitious name, am I the only one who can use the name?

No. There may be an infinite number of businesses using the same name as there is no name protection under the Fictitious Name Act.

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How and where do I register?

Online registration of a fictitious name with the Office of Secretary of State can be accomplished at <https://www.sos.mo.gov/BusinessEntity/BusinessEntitiesOnline/Fictitious/>.

To register your fictitious name by mail, obtain the registration form at <http://www.sos.mo.gov/business/corporations/forms.asp>. Completed the form, with the name of the business, business address, the name(s) of the owner(s) of the business and the percentage of ownership. After the completed form is signed by all of the owners (signatures must be original), the form may be mailed or delivered in-person, together with the filing fee of \$7.00, to either the main office in Jefferson City, or any of the Corporations Division branch offices.

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What is the effective period of my registration?

A fictitious registration is good for five years and may be renewed at the end of that period. Renewals must be made in the six-month period prior to the date of the registration's expiration.

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May I change a name or address on a fictitious name registration?

The address of the business and the address of an owner of a fictitious name registration may be changed at the time of renewal or by filing an amendment of a fictitious name. Other information may not be changed except to correct an error on a recently filed registration (for example, a typo, a misspelled word or a transposed number in an address).

If you wish to change the name or ownership of the business, the existing fictitious name registration must be cancelled and a new fictitious name registration filed.

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If expired, may a fictitious name registration be renewed?

No. Once expired, the business must file a new fictitious name registration; upon filing the new registration, the business will be issued a new charter number.

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What are the penalties for not registering?

Failure to register your fictitious name is a misdemeanor under Missouri law and persons failing to register are subject to charges by their local prosecuting attorney.

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State of Missouri

Jason Kander, Secretary of State

Corporations Division

PO Box 778 / 600 W. Main St., Rm. 322

Jefferson City, MO 65102

Registration of Fictitious Name

(Submit with filing fee of \$7.00)

(Must be typed or printed)

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. The fictitious name registration expires 5 years from the filing date. (Chapter 417, RSMo)

Please check one box:

☐ New Registration ☐ Renewal X _____
Charter number Charter number

☐ Amendment X _____
Charter number

☐ Correction X _____
Charter number

The undersigned is doing business under the following name and at the following address:

Business name to be registered: _____

Business Address: _____
(PO Box may only be used in addition to a physical street address)

City, State and Zip Code: _____

Owner Information:

If a business entity is an owner, indicate business name and percentage owned. If all parties are jointly and severally liable, percentage of ownership need not be listed. Please attach a separate page for more than three owners. The parties having an interest in the business, and the percentage they own are:

Name of Owners, Individual or Business Entity	Charter # Required If Business Entity	Street and Number	City and State	Zip Code	If Listed, Percentage of Ownership Must Equal 100 %

All owners must affirm by signing below

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties of a false declaration under Section 575.060 RSMo)

Owner's Signature or Authorized Signature of Business Entity
Printed Name
Date

Owner's Signature or Authorized Signature of Business Entity *Printed Name* *Date*

Owner's Signature or Authorized Signature of Business Entity
Printed Name
Date

Name and address to return filed document:

Name: _____

Address: _____

City, State, and Zip Code: _____